

1 was because there were concerns she might have been a
2 victim of sexual abuse. Right?

3 A Yes.

4 Q Given that awareness, did you direct any of
5 your therapeutic efforts to addressing that concern that
6 she -- this five-year-old girl -- might be a victim of
7 sexual abuse?

8 A Well, my method of therapy with her was
9 nondirective play therapy.

10 Q Okay. Did you make any therapeutic efforts to
11 address the concerns that this five-year-old girl might
12 be the victim of sexual abuse?

13 A I used therapeutic play therapy to encourage --
14 to reduce anxiety and encourage communication and promote
15 positive coping.

16 Q Okay. And do you have any memory at all of
17 whether those therapeutic efforts seemed to have any
18 beneficial effect on Kathryn Spencer?

19 A Yes. She did get less anxious and more
20 communicative.

21 Q But you don't recall what it was that she
22 communicated to you as she improved her communication
23 skills with you; is that accurate?

24 A No. That's accurate.

25 Q Now, you said earlier you don't recall using

1 anatomic dolls with Kathryn Spencer.

2 Are you testifying that you did not in fact use
3 anatomic dolls with Kathryn Spencer or you just don't
4 have a clear memory of that 25 years later?

5 A I don't recall using anatomical dolls with
6 her.

7 Q So you may have and you just don't remember; is
8 that accurate?

9 A It's possible but not likely.

10 Q Okay. Now, you said that you don't recall that
11 you contacted California law enforcement authorities or
12 CPS to report sexual abuse disclosures by Kathryn Spencer
13 made to you.

14 Is it correct that you just don't have a memory
15 of that but you are not testifying that in fact you never
16 made such a call?

17 A I don't have any memory of making such a
18 call.

19 Q So you might have and you just don't remember
20 it; is that accurate?

21 A I don't remember it.

22 Q I understand you don't remember it, but my
23 question is a little more nuanced than that.

24 Is it true that you might have made such a call
25 and you just do not currently remember doing so?

1  A I have no recollection of making such a call.

2 Q Is it your understanding if as in this case
3 where you'd been told as a therapist that this child that
4 you are providing therapy to has already disclosed that
5 she was a victim of sexual abuse by her father that if in
6 therapy that child confirmed that to you, you would have
7 an independent obligation to once again disclose that
8 previously disclosed report of abuse? Is that your
9 understanding of your requirements?

10 A Yes.

11 Q So every time a child discusses a sexual abuse
12 incident with you in therapy, each time you have to call
13 CPS.

14 Is that your understanding?

15 A I'm not sure I understand the question.

16 Q I'm just asking for your understanding, ma'am.

17 Is it your understanding that while in the
18 course of therapy of any child, every time that child
19 discloses sexual abuse, even if it's been previously
20 reported, you have to nonetheless report it again? Is
21 that your understanding?

22 A No. That's not my understanding. If I had --

23 Q Is it your understanding that once sexual abuse
24 involving a particular child and a particular perpetrator
25 has been disclosed and reported, your obligation to

1 , repeatedly report that same incident is nonexistent?

2 MS. ZELLNER: Objection to the form of the
3 question.

4 BY MR. FREIMUND:

5 Q Do you understand my question, ma'am?

6 A No.

7 Q Let me try again then. And please, if at any
8 time you don't understand my question, don't hesitate to
9 say so.

10 My question is -- is once a disclosure of
11 sexual abuse has been made to the authorities involving a
12 particular victim and a particular perpetrator, is it
13 your understanding that you have no obligation to report
14 that same abuse when a child repeats it in your presence
15 during a therapy session?

16 MS. ZELLNER: Objection to form. It's
17 compound, confusing, and it assumes facts not in
18 evidence.

19 BY MR. FREIMUND:

20 Q Did you understand the question that time,
21 Ms. Link?

22 A No.

23 Q What is it about it that you're missing? And
24 maybe I can be a little clearer.

25 A Are you talking about if the child had told me

1 on a previous occasion and I had reported it that I would
2 not have to report it every therapy session that a child
3 talked about it? Is that what you're asking?

4 Q Well, we can start with that. And what's your
5 answer with that?

6 A No. I would not have to report every --

7 Q Okay. Let's take another situation.

8 You are aware -- let's use the facts of this
9 case. You are aware that this child had previously
10 disclosed that she had been sexually abused by her father
11 and the authorities were aware of that fact.

12 If the child made a disclosure to you that she
13 had been sexually abused by her father and you know that
14 has already been reported, would you feel an obligation
15 to report it again?

16 A Yes.

17 Q Do you think you're required to do so?

18 A Well, I think I'm required to if I believe
19 there's abuse and there's -- it's not clear whether what
20 the child has told me is the same or different as someone
21 else has reported it.

22 Q Okay. Now, you said you had a vague
23 recollection of talking to law enforcement at some point.

24 Is it your vague recollection that that
25 happened on only one occasion or did it happen on more

1 than one occasion?

2 A I don't recall.

3 Q And you have no memory of when it happened
4 either, I take it.

5 A No, I don't.

6 Q And you have no memory of whether it was a
7 prosecutor, a criminal defense lawyer, a police officer,
8 or what have you.

9 Is that also the state of your memory?

10 A Yes, it is.

11 Q So when you've reviewed these notes that
12 indicate on at least two occasions, if not more, you did reserves
13 speak with prosecutors, criminal defense lawyers, and
14 police officers regarding the abuse reported by
15 Kathryn Spencer, you aren't saying that that never
16 happened. You're just saying you don't recall if it
17 happened; is that accurate?

18 A I'm sorry. What was the question again?

19 Q Is it accurate, after you've reviewed all these
20 notes indicating that you did speak with prosecutors, a
21 criminal defense lawyer for Mr. Spencer, and a police
22 officer that your testimony is you don't recall those
23 interactions occurring, but you are not testifying that
24 those interactions never happened?

25 Is that a fair understanding of your testimony?

To the extent the carry over testimony designated by the defense opens the door to matters in plaintiff's motion in limine 13, dkt. 202 at 15, Plaintiff objects and reserves right to supplement highlighting if motion is denied.

See next page

1 A I'm testifying that I don't recall them.

2 Q Are you testifying that they never happened?

3 A I am testifying that I don't have a
4 recollection of it.

5 Q And would you agree, ma'am, that not having a
6 recollection is not the same thing as saying something
7 never happened? Would you agree with that?

8 A I'm not sure I understand what you're saying.

9 Q Let me try again then.

10 Q Would you agree that there is a difference
11 between saying I don't remember something happened and
12 saying I know something did not happen?

13 A Yes.

14 Q Would you agree there's a difference between
15 those two statements?

16 A I guess I would agree. Yes.

17 Q And that's what I'm trying to focus on is
18 that -- that difference between those two statements.

19 Q Would you agree that when you say, I don't
20 recall talking with prosecutors and another criminal
21 defense attorney and police officer, you are not saying
22 that never happened? You're just saying, I don't have a
23 memory of that happening.

24 Q Would that be a fair understanding of your
25 testimony?

Object
to page 54
line 19

through
page 56,
line 1
based on
dkt. 202
at 15.

Plaintiff
reserves
right to
supplement
highlighting
if
motion is
denied.

Additional
basis for
page 55,
line 5 to
page 56,
line 1:

asked and
answered,
cumulative
' argumenta-
tive

See
A's
response
to TTS
m1L#13

Goes
to weight,
See
94L
cir.
Model
Instr.
1.11

1 A Yes.

2 Q Thank you. Now let's turn to group Exhibit 6
3 from the Plaintiffs' Group Exhibit 6. There's an email
4 there from the plaintiff lawyer in which it says, "Per
5 your request, please find the attached documents."

6 Did you ask the plaintiff lawyer to send you
7 the documents that are attached in Group Exhibit 6? I'm
8 sorry. If you answered, I didn't hear it.

9 A I believe I said I would be interested in
10 seeing it.

11 Q In seeing what? What exactly did you tell the
12 plaintiff lawyer you'd be interested in seeing?

13 A Other information about the case, if there was
14 any.

15 Q And why did you think there might be other
16 information about the case? Is that based on something
17 Ms. Zellner told you or what?

18 A Yes. She's the only person I've talked to
19 about the case.

20 Q Yes. And what is it you asked her for
21 specifically?

22 A I didn't specifically ask her for anything.

23 Q Well, it says, "Per your request, please find
24 the attached documents," and I'm just trying to find out
25 what was your request.

1 A Oh, I see.

2 Q What did you ask for?

3 A Yes.

4 MS. ZELLNER: I'm going to object because it's
5 asked and answered. She's already told you that she said
6 she'd be interested in looking at documents.

7 MR. FREIMUND: I understand that.

8 BY MR. FREIMUND:

9 Q And what I'm asking for is a little bit more
10 precision, if you have it, Ms. Link.

11 Do you recall specifically what you asked or
12 requested to review?

13 A Documents that refer to me. Parts of the
14 documents that mention me in them.

15 Q So you're pretty sure that you only asked to
16 review documents that mention you in them.

17 Is that your memory?

18 A I'm not sure about that.

19 Q Okay. Well, what is it you asked to review
20 then?

21 MS. ZELLNER: Objection. She's asked and
22 answered the question. You're badgering her.

23 MR. FREIMUND: No. She said that she asked for
24 documents that referenced her and then she said no; I
25 don't think I limited it to that, or that was my

1 understanding.

2 BY MR. FREIMUND:

3 Q So what I'm trying to figure out -- to the best
4 of your ability, Ms. Link, what was it you requested to
5 review?

6 MS. ZELLNER: Objection. Asked and answered.

7 BY MR. FREIMUND:

8 Q You may still answer, please.

9 A Well, documents in which my name was
10 mentioned.

11 Q Okay. That's your best memory of what you
12 asked for?

13 A Yeah.

14 Q Okay. Why did you ask for those documents that
15 your name was mentioned in?

16 A Because I wanted to know what kind of
17 information people had said about me.

18 Q Looking at Group Exhibit 6 where -- the second
19 page in these documents that you received per your
20 request that mention your name, you were asked to read or
21 listen to Ms. Zellner read, I should say, portions from a
22 deposition transcript apparently involving James Peters.

23 Do you see those pages 97 and 98 --

24 A Yes.

25 Q -- and 125?

1 A Yes.

2 Q And you said that the portion where Mr. Peters
 3 is reporting as is similarly reflected in his -- or
 4 somebody's notes that there -- you had told him that
 5 Kathryn Spencer had disclosed sexual abuse to you on or
 6 around November 1 of 1984.

7 A What line are you on?

8 Q I'm on page 98, line 11. And then I'm also
 9 referencing back to those handwritten notes of the
 10 interview that are about four pages back from that page.

11 A Yes.

12 Q And both the transcript testimony and those
 13 written notes that were apparently taken 25-plus years
 14 ago references that you told the prosecutor, Mr. Peters,
 15 that Kathryn Spencer had disclosed sexual abuse to you on
 16 November 1, 1984.

17 Do you see that?

18 A Is that page 98?

19 Q Yes. And also the handwritten notes that is right to
 20 under Spencer-00809. That's the same thing.

Objection to testimony
 designated by defense
 on pages 59 and 60 on
 basis of dkt. 202 at
 15. Plaintiff reserves

21 Do you see both of those documents? at this point the

22 A Yes.

23 Q All right. And is it your testimony that asked and
 24 that -- you never made that statement to Mr. Peters or is
 25 it your testimony you do not recall making that statement

See A's
 response
 to IT's
 MIL #
 13

goes to
 weight
 See g/
 Cir. model/
 Inst.
 1.11

1 to Mr. Peters?

2 A I have no recollection of making that statement
3 to Mr. Peters.

4 Q Okay. But you're not saying you never made
5 that statement to Mr. Peters. You're just saying, I do
6 not recall making that statement; isn't that accurate?

7 A That's accurate.

8 MS. ZELLNER: Objection. Asked and answered.

9 She testified the statement was false.

10 BY MR. FREIMUND:

11 Q I didn't hear your answer, Ms. Link.

12 Is that accurate? My question to you, was that
13 accurate?

14 A I'm sorry.

15 Q You want me to ask you again?

16 A Yes.

17 Q Is it a fair understanding of your testimony
18 that you do not recall making the statement to Mr. Peters
19 that Kathryn Spencer disclosed sexual abuse to you on
20 November 1, 1984, but you are not testifying under oath
21 that you didn't make that statement to him at some point?
22 You just don't recall making that statement.

23 MS. ZELLNER: Asked and answered. Objection.

24 BY MR. FREIMUND:

25 Q Please answer the question.

1 A I don't recall making that statement. I don't
2 have any recollection.

3 Q Does that mean you never made such a statement
4 or does that mean you just don't remember whether you did
5 make such a statement?

6 A I have no recollection of the statement.

7 Q I understand that. But, you know, I don't want
8 to walk through this, again, ma'am, but I'm just trying
9 to make that distinction once again on whether you do not
10 remember this or are you saying it never happened.

11 So my question is are you saying you never made
12 such a statement to Mr. Peters or are you saying, I
13 cannot remember whether or not I made such a statement to
14 Mr. Peters? Which is it?

15 A I'm saying that I have no recollection of
16 making the statement.

17 Q All right. So you are not saying you never
18 made such a statement; is that correct?

19 MS. ZELLNER: Objection. Asked and answered.

20 MR. FREIMUND: That has not been answered.

21 BY MR. FREIMUND:

22 Q Please answer it.

23 A What was it again?

24 Q Are you saying you never made such a statement
25 to Mr. Peters?

1 A I have no recollection of making a statement to
 2 Mr. Peters about that.

3 Q But you can't say that you never made such a
 4 statement either, can you?

5 A I have no recollection of it.

6 Q All right. Now, you previously -- in looking
 7 at those handwritten notes, you previously indicated that
 8 several of the things that are written there in those
 9 handwritten notes that were taken 25-plus years ago are
 10 accurate. That Mr. Peters accurately noted that you were
 11 a Ph.D. candidate. Whatever that second line is. That
 12 you were also a registered nurse and you were licensed in
 13 marriage counseling, and you never testified before.

14 All that was accurately recorded by him, wasn't
 15 it?

16 A Yes.

17 Q Okay. But you're saying other portions of hearsay, speculative about notes, asked and answered.
 18 these notes are not accurately recorded, or are you
 19 saying, I don't remember saying those things at that
 20 time?

21 A I don't remember saying those things at that
 22 time.

23 Q Okay. Do you remember -- just looking at the
 24 notes there, there's kind of circled Arabic numerals on
 25 the left-hand margin. Ms. Zellner asked you about the

1 first circled Arabic numeral 1.

2 The next, Arabic numeral 2, talks about sleep
 3 problems. Unable to sleep alone. Had to sleep in same
 4 room with mother. Nightmares. Unable to go to sleep
 5 before mom got home or if mom went out.

6 Do you recall those being some of the symptoms
 7 that Kathryn Spencer was displaying or reporting during
 8 the time you were providing therapy to her?

9 A I don't recall specific symptoms.

10 Q Okay. Do you think that that was an inaccurate
 11 notation of what you may have said to Mr. Peters or
 12 whoever it is who wrote these notes?

13 MS. ZELLNER: Objection. It misstates the
 14 evidence. She doesn't remember saying this to anybody.

15 MR. FREIMUND: I understand that.

16 BY MR. FREIMUND:

17 Q I'm saying -- I'm asking a little something
 18 different though, Ms. Link, and that is are you saying
 19 that these notes of what you reportedly told somebody
 20 back in 1985 are inaccurate.

21 A I'm not saying they're inaccurate. I'm saying
 22 that I don't remember all the specific symptoms that she
 23 had or telling Mr. Peters specific symptoms.

24 Q Okay. Let's go to the next page, under
 25 Arabic numeral 3, which says, "When she came back from

Objection
 -Same
 objection
 and
 reservation based
 on dkt.
 202 at
 15, also
 speculative and
 hearsay.

Objection
 - Id.

Same
 response
 as immediate
 above

1 Washington, she displayed, quote, overreactive anger, end
2 quote, to things that earlier had not bothered her.

3 " Indicates post-traumatic anxiety. Reported by Deanne."

4 Are you testifying that those notes are
5 inaccurate or you just don't recall saying those things
6 back then?

7 MS. ZELLNER: Objection. The note says it was
8 reported by Deanne. It doesn't say it was reported by
9 Dr. Link. She can't testify as to what Deanne
10 reported.

11 MR. FREIMUND: That's your mischaracterization
12 of what the notes are talking about, Counsel. I'm asking
13 this witness, are you saying those notes of what this
14 individual is reporting you talked to him about are
15 inaccurate.

16 MS. ZELLNER: You're misstating the notes. On
17 page 0081, it says that information is reported by
18 Deanne. It doesn't say it's reported by Dr. Link, so
19 it's improper to ask her to speculate on that.

20 MR. FREIMUND: Counsel, you know that it's not
21 a proper objection, and I'd appreciate you not attempting
22 to go coach witnesses.

23 MS. ZELLNER: I'm not coaching the witness.
24 The document says, "Reported by Deanne." If it said,
25 reported by Ann Link, she could answer it. It doesn't

1 say that, so you're the one who's trying to mislead
2 her.

3 MR. FREIMUND: So you're saying -- you're
4 reading of this is that Deanne reported that these
5 behaviors indicate post-traumatic anxiety behavior? I
6 beg to differ.

7 MS. ZELLNER: It says, "Reported by Deanne."

8 MR. FREIMUND: That is the last line. I agree
9 with you. That is the last line. That is not the entire
10 entry.

11 MS. ZELLNER: So? It --

12 MR. FREIMUND: So let me ask the question.

13 MS. ZELLNER: If you can ask her if she -- if
14 this information was reported by her, it would be fine,
15 but it says, "Reported by Deanne."

16 BY MR. FREIMUND:

17 Q Ms. Link, are you testifying that the notes
18 that are reflected in this exhibit under Arabic numeral 3
19 are inaccurate?

20 A I don't recall details specified in that
21 note.

22 Q Okay. Do you recall perhaps being of the
23 belief that Kathryn Spencer was displaying behaviors that
24 would be indicative of post-traumatic anxiety?

25 A She had symptoms of anxiety that could have

1 been due to post-traumatic stress or could have been due
2 to something else.

3 Q What other things do you think post -- I'm
4 sorry -- those anxiety symptoms might have been
5 attributable to based on your knowledge and information
6 received regarding Kathryn Spencer?

7 A Upsetting things in the child's life.

8 Q Like what?

9 A Divorce. Separation. Family problems. Things
10 like that.

11 Q What family problems were you aware of?

12 A I don't remember specific information about her
13 family problems.

14 Q But you do remember one of the family problems
15 was a report that her father had sexually abused her.

16 Right?

17 A Yes. Yes. I thought you --

18 Q But you don't remember any others besides that
19 particular problem?

20 A I thought you meant her current situation in
21 Sacramento. I'm sorry.

22 Q Do you remember any other particular family
23 problems, other than that her father had reportedly
24 sexually abused her?

25 A No.

Leading
is appropriate
given
witness'
hostility
goes
to
weight
Objection
-Leading
-Asked and
answered
Argumentative

1 Q Do you remember being told that when
 2 Kathryn Spencer returned from Washington after visiting
 3 her father, she displayed, quote, overreactive anger to
 4 things earlier that had not bothered her?

Objection
to lines
1-9 as
hearsay.

5 A I don't remember being told that.

6 Q Again, just because you don't remember being
 7 told that doesn't mean you were not told that; isn't that
 8 true?

9 A That's true.

10 Q Let's look at item No. 4 immediately below
 11 that. It says, "Difficulty communication."

12 You've already testified to that. Right? That
 13 you do remember that Kathryn Spencer had difficulty
 14 communicating.

15 A Yes.

16 Q The next line. I'm not sure what it means and
 17 maybe you can help me by reading it.

18 It says, "Reported by Deanne, observed by
 19 Ann Link, when subject of Washington visit, Deanne
 20 reported that was very uncharacteristic of Katie."

21 In reading that, do you have any glimmer of
 22 what's being referred to there?

23 A No.

24 Q The next line says, "Symptoms have gotten less
 25 through therapy," and you've already testified that note

Objection
to lines 10
to 14 as
cumulative;
asked and
answered,
as
indicated
by "You've
already
testified
to that."
-Plaintiff
also
restates
objection
and
reservation
re dkt. 202
at 15.

Objection
to carry
over
-Id.

Same
as
above

1 is accurate. Correct? That you do remember symptoms got
2 less through therapy. Right?

3 A Yes.

4 Q Then the last note says, "The last time I saw
5 her was March 13th before she went to Washington. Had
6 surgery," it looks like.

7 Does that refresh your memory that that
8 accurately reports the last time you had seen
9 Kathryn Spencer, at least as of that time that these
10 notes were taken, was on March 13, 1985?

11 A No. That does not refresh my memory.

12 Q Okay. Do you have any reason to disagree with
13 that notation though or the accuracy of it?

14 I'm sorry. I didn't hear your answer.

15 A I don't have a memory of what the date was that
16 I last saw her.

17 Q I understand that. I'm just asking, do you
18 have any reason to disagree with the accuracy of that
19 statement that as of the time these notes were taken, the
20 last time you'd seen her was March 13, 1985? Do you have
21 any reason to disagree with that?

22 A Yes, I do.

23 Q And what's your reason for disagreeing with
24 that?

25 A Because I don't remember the last date that I

1 saw her.

2 Q Okay. It could be true. You just don't
3 remember; is that right? Is that right?

4 A That's probably true. I don't remember.

5 Q Let's go back up to Item 1 there that
6 Ms. Zellner was asking you questions about.

7 On the items that we're -- it says, "On
8 November 1, she demonstrated with dolls for Ann." And Plaintiff
9 then the next line says, "Parts. Boobies. Pee pee.
10 Wiener. Bottom."

11 Are you saying that you are certain that
12 Kathryn Spencer did not describe body parts using those Also,
13 terms or are you saying you cannot recall whether she object based
14 described body parts using those terms? speculative
and hearsay

15 A I do not recall demonstrating with anatomical testimony.
16 dolls with her.

17 Q Try listening to my question now. I'm asking have been
18 you, are you saying -- do you recall Kathryn Spencer asked and
19 using those terms to describe body parts or are you answered.
20 saying Kathryn Spencer never used those terms to describe
21 body parts?

22 A I don't remember Kathryn Spencer describing
23 body parts listed in that "A."

24 Q Are you saying she never used those terms?

25 A I'm saying I don't have any recollection of her

Objection
based on
motion in
limine #13,
dkt. 202 at
15;

Plaintiff
reserves
right to
supplement
highlighting
if motion
denied.

Also,
object based
on
speculative
and hearsay

Also,
questions
asked and
answered.

1 using those terms.

2 Q The next line says, "Only able to whisper
3 * them."

4 Is that consistent with the memory that you do
5 have that she had difficult communication problems with
6 you?

7 A I don't have a recollection of that description
8 there.

9 Q Do you remember her just whispering to you
10 sometimes when she was communicating to you during
11 therapy?

12 A I don't specifically remember that.

13 Q Are you certain it never happened?

14 A I don't recollect it happening.

15 Q Does that mean you're not certain whether it
16 happened?

17 A It means I don't have a recollection of it
18 happening.

19 Q And once again, ma'am, there's a very important
20 distinction I'm trying to make here, and I'd appreciate
21 you trying to answer my question. There is a difference
22 between whether you recall something happened and being
23 certain that it never happened, and that is the
24 distinction I am trying to get here.

25 Are you certain that it never happened that

1 ♦ Kathryn Spencer would occasionally whisper to you during
2 therapy sessions?

3 A I don't remember her whispering to me during
4 therapy sessions.

5 Q Are you certain that it never happened?

6 A No. I don't remember it happening.

7 Q All right. And that's certainly
8 understandable. It's been over 25 years. That's why I
9 want to be very clear on this distinction.

10 Now, what is under Group Exhibit 6, are those
11 all the documents that you have received from plaintiffs'
12 counsel in this case, other than drafts of your
13 declaration?

14 A Under -- the exhibits under 6?

15 Q Yes.

16 A There's Exhibit 6. There's Exhibit 7.

17 What was it you were asking?

18 Q I appreciate your clarification, and that does
19 cause me to rephrase my question. Thank you for pointing
20 that out.

21 What I'm asking is other than the drafts of
22 your declarations and the releases that were signed both
23 for you to talk to Ms. Zellner and to be deposed about
24 your treatment of Kathryn Spencer -- other than those
25 documents, are the documents that are contained in

1 Plaintiffs' Exhibit Group 6 through Plaintiffs'
 2 Exhibit 12 all of the documents that you have received
 3 from the plaintiff lawyers in this case?

4 A Yes.

5 Q And it's true -- is it not? -- you've received could
 6 no documents from any of the defense lawyers or anybody have
 7 representing the defendants. You received documents only
 8 selected by the plaintiff lawyers. Correct?

Object
 Irrelevant
 Defense
 exhibits

9 A Yes.

10 Q Let's look at Exhibit 9, please.

11 On Exhibit 9 Ms. Zellner said that this
 12 constitutes a note by Detective Krause in which she
 13 reports that on October 17, 1984, Detective Krause
 14 accompanied Katie and her mother, Deanne Spencer, to a
 15 therapy session. Now, you said you don't recall that
 16 occurring where a police officer accompanied Deanne
 17 Spencer to a therapy session with you and
 18 Kathryn Spencer.

Object
 to pages
 72-73 -
 hearsay;
 testimony
 can be
 admissible
 without
 documents,
 see pages
 36-39.

19 Is it your testimony that that never happened
 20 or is it your testimony that you don't remember whether
 21 or not that happened?

22 A I don't remember it happening.

23 Q Let's go to Exhibit 10. Ms. Zellner related to
 24 you that this is a report from officer -- I'm sorry --
 25 Detective Krause, and it reports that Deanne Spencer told

1 Detective Krause she had advised the children's therapist
2 that a boy by the name of Matt Hansen had said he had
3 observed both Kathryn and Matt Spencer being victimized
4 by their father.

5 Is it your testimony that that never happened?
6 That you never received that information? Or is it your
7 testimony you just don't recall whether you received that
8 information?

9 A I don't recall if I received that
10 information.

11 Q Okay. The next sentence reads, "I also have
12 had phone conversation on occasion with both the
13 therapists and provided them with any information I had
14 that may assist them in dealing with the Spencer
15 children."

16 Now, you do recall that that's accurate; do you
17 not? You did say you recall speaking on the phone with
18 Detective Krause. Correct?

19 A I remember having some communication with
20 Detective Krause.

21 Q I want to be very clear on this point,
22 Ms. Link.

23 Is it your testimony that Kathryn Spencer never
24 disclosed sexual abuse by her father to you or is it your
25 testimony that you don't remember whether Kathryn Spencer

1 disclosed sexual abuse by her father to me? Which of the
2 two is it?

3 A I have no recollection that she disclosed
4 sexual abuse by her father to me.

5 Q So of the two choices I gave you, you chose the
6 second one. Correct?

7 MS. ZELLNER: Objection. That misstates what
8 she testified to.

9 BY MR. FREIMUND:

10 Q Is that correct, ma'am?

11 A Can you repeat the question?

12 Q Sure.

13 MR. FREIMUND: I ask that the reporter read it
14 back, please.

15 (Record read.)

16 THE WITNESS: Kathryn Spencer never disclosed
17 abuse information regarding her father to me.

18 BY MR. FREIMUND:

19 Q So you're certain now that that never happened.

20 A Yes.

21 Q All right. Let's look at Exhibit 12.

22 Ms. Zellner represented to you that Exhibit 12
23 is part of an excerpt from the sentencing hearing for
24 Ray Spencer in which she read for you first an
25 unidentified person that may or may not be Mr. Peters

1 saying, "Mr. Rulli and I, when we were in Sacramento,
2 talked to the therapist of Matthew Spencer and
3 Kathryn Spencer and they indicated that the children were
4 experiencing substantial psychological and behavioral
5 problems of the type typically seen in victims of sexual
6 abuse."

7 You said in answer to Ms. Zellner's questions
8 you don't recall telling the prosecutors and
9 Mr. Spencer's criminal defense attorney that
10 Kathryn Spencer was displaying these types of behavioral
11 problems that are typically seen in victims of sexual
12 abuse.

13 Once again, I want to be clear. Are you saying
14 you don't recall telling them that or are you saying you
15 never would have told them any such thing?

16 A What page are you on?

17 Q Page 47, the second page of Exhibit 12.

18 A Page 47. Okay.

19 Q It has Spencer-01095 on the bottom right-hand
20 corner, using the plaintiff lawyer's numbering system?

21 A 01095. And what was your question again?

22 Q Are you -- just reading that where --

23 A Starting with --

24 Q The paragraph -- "Mr. Rulli and I, when we were
25 in Sacramento, talked to the therapist of Matthew Spencer

1 and Kathryn Spencer, and they indicated that the children
2 were experiencing substantial psychological and
3 behavioral problems of the type typically seen in victims
4 of sexual abuse."

5 And my question to you is are you saying you
6 never would have said any such thing to this prosecuting
7 attorney and criminal defense attorney or are you saying
8 I do not recall saying such things to those people?

9 A I don't recall a specific conversation with
10 them.

11 Q All right. Would you agree that you believe
12 that Kathryn Spencer was displaying behavior problems of
13 the type that are typically seen in victims of sexual
14 abuse?

15 A Of the type that can be seen in victims of
16 sexual abuse.

Objection to
lines 11-20;
asked
and
answered,
cumulative

17 Q You would agree with that. Right?

18 A Yes. That she had symptoms -- anxiety symptoms
19 that could be seen in a sexual abuse victim or anxiety
20 from other reasons. Yes.

21 Q All right. I don't have any more question for
22 you, Ms. Link. Thanks for your time.

23 EXAMINATION

24 BY MR. JUDGE:

25 Q Ms. Link, this is Dan Judge. I'm here on

1 behalf of Ms. Fetterly, and I represent Jim Peters.

2 My first question relates to the gentleman by

3 the name of Jim Rulli.

4 Do you know who is?

5 A No.

6 Q Do you ever recall meeting him?

7 A No.

8 Q Okay. Do you know Jim Peters?

9 A No.

10 Q Do you ever recall meeting him?

11 A No.

12 Q Okay. Do you ever recall talking to Mr. Rulli

13 either in person or over the telephone?

14 A No.

15 Q Okay. Do you ever recall speaking to

16 Mr. Peters either in person or over the telephone?

17 A No. I don't recall that.

18 Q Okay. Do you recall having any meeting in

19 which Mr. Peters and Mr. Rulli were together speaking

20 with you?

21 A No. I don't recall that.

22 Q Okay. So is it fair to say -- well, I'll just

23 ask it. Do you recall telling anybody by the name of

24 Jim Peters anything in a conversation either in person or

25 over the phone?

1 A No.

2 Q Okay. So is it fair to say you don't recall
3 the content of anything you told Mr. Peters either in
4 person or over the phone?

5 A Yes.

6 Q Okay. With respect to Mr. Rulli, I would ask
7 the same question.

8 Do you recall ever speaking with him in person
9 or over the phone?

10 A No.

11 Q Okay. Do you recall the content of anything
12 you told Mr. Rulli either in person or over the phone?

13 A No. I don't have a recollection of that.

14 MR. JUDGE: Thank you. I don't have any
15 further questions.

16 EXAMINATION

17 BY MR. JUSTICE:

18 Q Ms. Link, my name is John Justice. I'm an
19 attorney representing Sharon Krause. I have a couple
20 questions for you.

21 You mentioned that you did recall speaking with
22 Sharon Krause at some point in time; is that correct?

23 A Yes.

24 Q Do you remember when those conversations took
25 place?

Object
based on
motion in
limine 13,
dkt. 202
at 15;
Plaintiff
reserves
right to
supplement
highlighting
if
motion is
denied.

1 A No, I don't.

2 Q Do you remember if there was more than one
3 conversation?

4 A No.

5 Q Do you remember meeting -- whether or not you
6 met with her in person?

7 A No. I don't recall that.

8 Q Is it possible that you did and just don't
9 recall?

10 A It's possible.

11 Q And do you recall the contents of any of the
12 conversations that you had with Sharon Krause?

13 A I remember finding out that she had met with
14 Katie Spencer and that she had said Katie revealed
15 details of sexual abuse to her and that she'd spent
16 some -- a fair amount of time with her.

17 Q Do you remember if that information was relayed
18 to you while you were in the middle of counseling
19 Katie Spencer or at some point other than that? I mean
20 can you pinpoint where in your relationship with
21 Katie Spencer that information came to you?

22 A I think it was while I was still doing therapy
23 with Katie Spencer.

24 Q Did you --

25 A It was around that -- it was --

1 Q Did you attempt to confirm or dispel that
2 information that you had received from Sharon Krause in
3 your sessions with Katie Spencer?

4 A Not that I recall. No.

5 Q If you received information from someone other
6 than your patient that they have possibly -- that your
7 patient has been possibly the victim of sexual abuse,
8 does that fall within your mandatory reporting
9 requirements under the California law?

10 A Yes.

11 Q And yet you do not recall whether or not after
12 receiving that information from Sharon Krause that you
13 reported that information to the authorities?

14 A That's correct.

15 Q But you are saying that you would normally do
16 that if you had received information from a third party
17 not necessarily limited to your patient; is that
18 correct?

19 A Correct.

20 Q Any other details or information that you
21 recall in your communications with Sharon Krause, either
22 receiving from her or communicating to her, that you
23 haven't disclosed in this deposition?

24 A No. I have no other recollections of talking
25 to Sharon Krause.

1 Q I'm curious about the development of the
2 declaration that we have received from you.

3 Did you at any point in time in your recent
4 communications with plaintiffs' counsel write down your
5 recollection of your therapy with Katie Spencer and share
6 that with plaintiffs' counsel?

7 A Write it down? No.

8 Q Did you type it out? Is there any other
9 written document that you have created that was provided
10 to plaintiffs' counsel prior to the declaration being
11 created?

12 A No.

13 Q So the first written document that attempted to
14 formulate your testimony in this declaration came from
15 the plaintiffs' counsel?

16 A I'm sorry. What was the question?

17 Q The question was is it true to say that the
18 first written document that was characterized as your
19 testimony in this case came from the plaintiffs' counsel.

20 A You mean the affidavit that we developed?

21 Q Yes.

22 A Yes.

23 Q I want to apologize for jumping around a little
24 bit. That kind of comes from going last.

25 But you mentioned that you received your Ph.D.

1 from an institution, and I didn't catch the name of that
2 institution.

3 A Professional School of Psychology.

4 Q Where's that located at?

5 A San Francisco.

6 Q Was that -- were you in person there or is that
7 a distance learning facility?

8 A Some of the classes were in Sacramento. Some
9 of them were in San Francisco.

10 Q So it's an actual brick and mortar
11 institution?

12 A Yeah. We attended classes in San Francisco.

13 Q And is that at a place called the
14 Professional School of Psychology or is it -- do they
15 have two different branches? I'm not understanding that.

16 A Well, I just recall we went to classes at the
17 Professional School of Psychology in San Francisco. I
18 don't remember exactly the address or buildings.

19 Q And you said something about Sacramento as
20 well.

21 Did they have a branch in Sacramento?

22 A I believe so.

23 Q What was your dissertation in?

24 A It was about altruistic behavior in
25 schizophrenics.

1 Q Is that published? Is it available online?

2 A I don't believe it's online. No. It wasn't
3 published.

4 MR. JUSTICE: That's all the questions I have.

5 MS. ZELLNER: I've got a few questions. This
6 is Kathleen Zellner again just for clarification.

7 FURTHER EXAMINATION

8 BY MS. ZELLNER:

9 Response Q Dr. Link, could you look back at Exhibit 1,
the 10 your affidavit.

is a properly A Yes.

authenticated

exhibit to this Q Okay. If you look at paragraph 7, could you
deposition; 13 read that into the record, please.

Dr. Link's 14 testimony that A "I specifically recall that at no point during
certain 15 my sessions with Kathryn did she describe being molested
statements 16 by anyone."

evidence, 17 Q Is it a correct statement that you have an
Plaintiff 18 independent recollection that Kathryn Spencer did not
is not seek- 19 describe being sexually abused to you?

ing to 20 substitute the A Yes.

affidavit for her

testimony; 21 Q Then if we look at paragraph 10, could you read

also, lines

17-20 22 that into the record.

not subject 23 to objection A "I never would have told any person, including

to exhibit; 24 law enforcement, that Kathryn had described any abuse to

25 me because she had not done so."

1 Q Okay. Is that a true statement?

2 A Yes.

3 Q When counsel -- if Kathryn Spencer did not
4 report sexual abuse to you, would you have reported to
5 Prosecutor Peters that Kathryn Spencer had been sexually
6 abused?

7 MR. JUDGE: Objection to the form of the
8 question.

9 THE COURT REPORTER: I'm sorry. Who was that?

10 MR. JUDGE: I'm sorry. Dan Judge.

11 BY MS. ZELLNER:

12 Q If Kathryn Spencer did not report sexual abuse
13 to you, would you have reported that she had been
14 sexually abused to Prosecutor Peters?

15 MR. JUDGE: Objection to the form.

16 Go ahead.

17 THE WITNESS: If she had not reported to me
18 that she was sexually abused, would I have reported it to
19 Peters? Is that what you're asking?

20 BY MS. ZELLNER:

21 Q Right.

22 A I'm sorry.

23 Q Right. Would you have reported it to
24 Prosecutor Peters if she had not told you that she had
25 been sexual abused?

Def. object,
see p. 24

Plaintiff's
response, see
p. 24

1 A No, I would not have.

2 Q Would you have reported to

3 Defense Attorney Rulli if she had not been sexually
4 abused?

5 A No.

6 Q And would you have reported to Sharon Krause if
7 she had not been sexually abused?

8 A No.

9 Q Now, you had stated previously that you don't
10 recall using anatomical dolls with Kathryn Spencer.

11 Kathryn Spencer you say -- you remember did not
12 describe being molested by anyone. Correct?

13 A Correct.

14 Q So would there be any reason for you to use
15 anatomical dolls with Kathryn Spencer if she made no
16 report of abuse to you?

17 A No.

18 Q Would that be considered proper? Would that
19 conform with the standard of care for a psychologist, do
20 you believe, to not show the dolls -- anatomical dolls if
21 someone had not been abused?

22 A Yes.

23 MS. ZELLNER: Okay. All right. I don't have
24 any further questions.

25 ///

Response
-What she
understands
as proper;
relevant to
what
she would
have
done
during
therapy
with
Katie,
i.e., not use anatomic
doll.

dictation
in my opinion
I am not
able to
dictate

1 FURTHER EXAMINATION

2 BY MR. FREIMUND:

3 Q I just have one follow-up question -- this is
4 Jeff Freimund -- in regards to your training, Ms. Link.

Response:

Relevant to show

5 Back in 1984 and 1985 when you were a
what 6 psychology intern and Ph.D. candidate, do you recall
techniques 7 receiving any training whatsoever on interview techniques
Dr. Link 8 utilized during
during 9 that should be used with child victims of sexual abuse?

Katie's therapy, A Yes.

which resulted in 10 no disclosures. Q What do you recall receiving training from?

11 I'm sorry. Who do you recall receiving such training
12 from?13 A What was your -- what was your statement
14 preceding that question?15 Q You mean what kind of training am I talking
16 about?

17 A No. No. What did you say before?

18 Can you just read the last couple of questions
19 there?20 Q I'm just asking -- you said that you recall
21 receiving training back in 1984 and 1985 when you were a
22 psychology intern and Ph.D. candidate regarding the
23 interview techniques that are used for child sexual abuse
24 victims and I'm asking who you received that training
25 from.

Response to Defense objection

from page 87 to 89:

Deposition of Ann Link, Ph.D.

SPENCER VS. PETERS

-Id. 1 A I received training actually during my MFT
 -The fact that 2 experience with Dr. Mary Ann Frank.
 Dr. Link 3 was properly 4 Q What's your MFT experience? I don't know what
 trained and utilized 5 A Marriage, family -- marriage, family, and child
 techniques 6 from her training is 7 Q Okay. What was the nature of your training?
 relevant 8 A How long a session was it?
 to the strength 9 A It was multiple sessions.
 of 10 Q And this was specifically on interview
 Katie's non- 11 A and supports 12 Q disclosure
 and 13 A claim 14 Q that Krause
 supports 15 A misquoted and 16 Q misrepresented
 and 17 A attributed 18 Q statements
 to Katie. 19 Q forensically sense of being an investigator of child sexual abuse
 abuse allegations that you were being trained on?
 20 A No.
 21 Q What was the context of the training then?
 22 A Therapy.
 23 Q So it was how to administer therapy to child
 sexual abuse victim that you're talking about?
 24 A Yes. It was how to administer therapy as well
 25 Q as how to interview them about it in a therapy context.
 Q Okay. And what do you recall knowing back in
 1984 and '85 about interviewing children in a therapy

1 context regarding sexual abuse allegations?

2 A That if the child disclosed sexual abuse to
3 you, then you might clarify what they have said by using
4 anatomically correct dolls to help them communicate what
5 had happened to them.

6 Q All right. Anything else?

7 A That there was -- it was very important not to
8 make any kind of leading statements or questions to
9 children, particularly if they had not testified or given
10 statements. It was very important not to contaminate
11 evidence they might give.

12 Q Okay. Anything else?

13 A Well, it was important to reassure them and
14 help them to feel safe and to feel like they hadn't done
15 anything wrong. That, you know, it was okay to talk
16 about their feelings and things like that.

17 Q Okay. Anything else that you can remember that
18 you received training on in this regard?

19 A That you shouldn't in any way say anything, you
20 know, or imply anything that they should say in a court
21 or any kind of legal proceeding that might sway their
22 impressions of what had happened to them.

23 Q Okay. Anything else that you remember
24 receiving training about in regard to interviewing
25 techniques in the therapeutic context to child sexual

Same
response
as
p. 87

Same
objection
95
p. 87

Same
response
as
p. 87

1 abuse victims?

2 A No. I think that's about -- those are most of
3 the points, I believe.

4 Q Did you receive training on note-taking or
5 videotaping or audiotaping those therapy sessions?

6 A Well, we -- note-taking but not video or
7 audio.

8 Q Okay. All right. What was the training you
9 received in regard to taking notes of your therapy
10 sessions involving child sexual abuse victims?

11 A That you should use just the words that the
12 child uses. Don't use advanced terminology that the
13 child has not used. To have them, you know, describe
14 what's happened to them only in their own words.

15 Q Have you ever seen the report written by
16 Shirley Spencer that documents what Kathryn Spencer told
17 Shirley Spencer that started this whole case?

18 A Have I seen -- did you say have I seen the
19 document?

20 Q Yeah. A handwritten report written by
21 Shirley Spencer documenting Kathryn Spencer's initial
22 disclosure of sexual abuse by her father.

23 A No.

Objection
-Irrelevant
-Question
misstates
evidence

24 Q Have you ever seen that?

25 A No.

1 MS. ZELLNER: I would object. It allegedly
2 documents the disclosure.

3 BY MR. FREIMUND:

4 Q You've never seen that, ma'am?

5 A No.

6 Q Did you ever ask to see that?

7 A No.

8 Q All right. I don't have anything more for you.

9 MS. ZELLNER: Dr. Link, would you like to
10 reserve signature so you can read the deposition before
11 signing it?

12 THE WITNESS: Yes.

13 MS. ZELLNER: Okay. So we'll get that to you.
14 I'd like to go ahead and order the deposition.

15 THE COURT REPORTER: Very good. Did you want
16 the exhibits attached?

17 MS. ZELLNER: Please.

18 MR. FREIMUND: This is Jeff Freimund. I would
19 like an E-Tran, please.

20 And can I give you my email address?

21 THE COURT REPORTER: Please do.

22 MR. FREIMUND: It's JeffF -- that's three F's.
23 I recommend capitalizing the third one.

24 JeffF@Fjtlaw.com.

25 THE COURT REPORTER: Thank you, sir.

1 Anybody else?

2 MR. JUDGE: This is Dan Judge, and I would like
3 an E-Tran as well, and here is my email address:
4 DanielJ@atg.wa.gov.

5 THE COURT REPORTER: Thank you, sir.

6 Last but not least.

7 MR. JUSTICE: Yeah. John Justice here. I'd
8 like an E-Tran only as well.

9 Ready for my email address?

10 THE COURT REPORTER: Yes, sir.

11 MR. JUSTICE: It's G -- this is not me. This
12 is my partner. Gbogdanovich -- b-o-g-d-a-n-o-v-i-c-h --
13 @lldkb.com.

14 THE COURT REPORTER: And, gentlemen, would you
15 like the scanned exhibits included with your E-Tran?

16 MR. Freimund: No, thank you, for
17 Jeff Freimund.

18 MR. JUDGE: No, thank you. Dan Judge.

19 MR. JUSTICE: No. John Justice. No.

20 MS. ZELLNER: Thank you.

21 (Deposition concluded at 11:12 a.m.)

22 * * *

23

24

25

1

DEPONENT'S SIGNATURE

2

Please be advised I have read the foregoing
3 deposition, pages 1 through 91, inclusive.

4

I hereby state there are:

5

6

(check one) no corrections

7

corrections per attached

8

9

10 Date ANN LINK, PH.D.

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1 STATE OF CALIFORNIA

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4 I, Karen Cosgrove, CSR 12425, a Certified
5 Shorthand Reporter in and for the State of California, do
6 hereby certify that, prior to being examined, the witness
7 named in the foregoing deposition was by me duly sworn to
8 testify the truth, the whole truth, and nothing but the
9 truth; that said deposition was taken down by me in
10 shorthand at the time and place named therein and was
11 thereafter transcribed under my supervision; that this
12 transcript contains a full, true and correct record of
13 the proceedings which took place at the time and place
14 set forth in the caption hereto; that this transcript was
15 prepared in accordance with the minimum transcript format
16 standards as set forth by the California Certified
17 Shorthand Reporters Board.

18

19 I further certify that I have no interest in

20 the event of this action.

21

22 EXECUTED this 31st day of December, 2012.

23

24

25 _____
Karen Cosgrove